



The Legislative Wrap-Up

Library and Information Services, Department of Legislative Services

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SINE DIE AND BILL SIGNINGS

As the last week of the 2013 session of the General Assembly of Maryland comes to a close, many bills are still viable and are expected to pass both chambers in order to complete the legislative process before *sine die* at midnight on Monday, April 8. As of Friday, April 5, there are 2,610 bill introductions. Legislation with final approval numbers 354.

The traditional *sine die* gubernatorial bill signing (day after the session adjournment) is scheduled for Tuesday, April 9, in the Governor's Reception Room, second floor, Maryland State House. Additional bill signings are scheduled in the Reception Room for Thursday, May 2, and Thursday, May 16. These signings will all begin at 10:30 a.m.

CONFERENCE COMMITTEES

During a session, conference committees are appointed when the two chambers pass different versions of the same bill and cannot reach agreement. With the exception of the conference committees on the operating and capital budgets, conference committees consist of three delegates and three senators generally appointed by the presiding officers on recommendations of the chairs of the two committees that considered the bill. A conference committee goes out of existence when a resolution of the differences is reached and the conference committee report is delivered to each house.

For the conference committee to deliver a report, at least four of the six members from the two chambers must agree on the proposed version of the bill. If agreement cannot be reached, the bill dies. If no conference committee is appointed, or if the conference committee fails to meet, the bill dies. On rare occasions, the conference committee may be requested by the presiding officers to meet again, or a new conference committee on the bill may be appointed.

If the conference committee reports a proposal to resolve the differences between the two chambers, each chamber then votes either to accept the report without change or to reject it. Following adoption of the conference

committee report, the bill, as amended by the conference committee, must be approved in each chamber by a majority of the total membership in a roll call or recorded vote, which is posted on the General Assembly website. At this point an "enrolled bill" is printed, reflecting any changes made by the second chamber or the conference committee. Revised synopses and fiscal notes are posted on the General Assembly website.

There are usually differences between the House and Senate versions of the operating and capital budgets. These differences are resolved by a conference committee of five senators and five delegates.

COURTS AND CIVIL PROCEEDINGS

Personal Injury or Death Caused by Dog

The "pit bull" legislation, [SB 160](#), is under consideration by a conference committee. The Senate refused to concur with the House amendment that removed the requirement for clear and convincing evidence that the dog did not have vicious or dangerous propensities and substituted the original provision of rebuttable presumption of liability for the owner of a dog that has caused personal injury or death.

Maryland Legal Services Corporation (MLSC) – Passed

Companion bills to aid the MLSC Fund passed. [SB 640/HB 838](#) (both passed) continue an enhanced source of revenue for the MLSC by extending the sunset date for an increased surcharge on fees, charges, and costs in civil cases. Money from the surcharge is deposited into the MLSC Fund to finance civil legal services for indigent clients.

However, the fate of other MLSC legislation, [SB 809/HB 1303](#), has not been decided. Each chamber passed the other chamber's bill, but with differences in the amount and timing of the distribution of money from the Abandoned Property Fund to the MLSC Fund. A conference committee has been appointed to try to reach agreement on [HB 1303](#).

Judgeships – Passed

SB 239/HB 83 (both passed) increase the number of judges of the Court of Special Appeals from 13 to 15, increase the number of resident judges of the circuit court in Calvert, Carroll, Cecil, Frederick, and Wicomico counties, and increase the number of associate judges of the District Court in Baltimore City, and Charles, Montgomery, and Prince George's counties.

CRIMES, CORRECTIONS, AND PUBLIC SAFETY

Firearm Safety Act of 2013 – Passed

SB 281 gained passage by the General Assembly with both Senate and House amendments that alter the bill as originally proposed by the Governor. During the last week of the 2013 session, the House amended and passed the bill, first approved by the Senate in late February. The Senate then accepted the House changes and passed the bill with no additional amendments, thus avoiding the necessity of a conference committee to work out the differences. The Governor is expected to sign the bill as early as Tuesday, April 9.

One of the most controversial proposals before the legislature in many years, the legislation modifies and expands the regulation of firearms, firearms dealers, and ammunition in the State and strengthens mental health-related restrictions on the possession of firearms. The comprehensive legislation, as finally approved, contains provisions that:

- change the scope of current assault pistol prohibitions to prohibit all assault weapons and define an assault weapon as an assault long gun, an assault pistol, or a copycat weapon;
- exempt specified persons and circumstances from the prohibitions related to the possession of assault weapons and detachable magazines;
- reduce the allowable detachable magazine capacity that may be manufactured, sold, purchased, received, or transferred in the State from 20 to 10 rounds of ammunition for a firearm;
- define restricted firearm ammunition and prohibit possession of or use of the ammunition during or in relation to a crime of violence;
- clarify that a licensed firearms dealer may continue to possess and sell an assault long gun or copycat weapon that the dealer lawfully possessed on or before the bill's effective date, apply the grandfather clause to a person who placed a verifiable purchase

order for an assault long gun or copycat weapon before the bill's effective date, and strike provisions requiring registration of previously possessed weapons;

- prohibit carrying or possessing a firearm, knife, or deadly weapon of any kind on public school property with some exceptions;
- create a new handgun licensing plan under the authority of the Department of State Police in order for a person to purchase, rent, or receive a handgun. Exceptions to the licensing requirement are permitted for active or retired law enforcement officers, active and retired members of the military, and others, such as persons who possess antique, curio, or relic firearms;
- require applicants for a handgun license to be at least 21 years old, pass a State and national criminal history records check, submit a complete set of fingerprints, complete a safety training course, with exceptions, including for the military and for those who lawfully own a regulated firearm. The cost for a 10-year license may be up to \$50. Renewal costs may be up to \$20, which does not trigger a repeat of all of the original application requirements;
- require the issuance of a handgun license within 30 days after receipt of a properly completed application or a written denial of the application that states the reason for denial and the appeal rights of those who are denied. Applicants who have been denied may also request to have the record of their fingerprints expunged by obliteration; and
- spell out a restoration process for those who have been denied a license or whose license is revoked.

Other provisions define prohibitions applicable to possession of a regulated firearm, rifle, or shotgun for specific persons with mental disorders, including persons who have been voluntarily admitted for more than 30 consecutive days or involuntarily committed to a facility. There are extensive licensing qualifications and recordkeeping requirements for firearms dealers.

There are also exemptions from criminal prohibitions, importation, and storage activities for a licensed firearms dealer or manufacturer relating to assault weapons and detachable magazines. Other provisions address registration requirements related to regulated firearms possessed by persons who move to the State with the intent to reside in the State. The legislation also contains specific prohibitions related to the ownership of shotguns and rifles for specified persons.

Accessory After the Fact – Murder – Passed

[HB 709](#) (passed), known as the Sheddy-Bennett Act, passed the General Assembly. The bill increases the maximum penalty from 5 years to 10 years for being an accessory after the fact to murder in the first or second degree. The companion bill, [SB 444](#), passed the Senate and was before a House committee this week.

Cyberbullying of a Minor – Passed

[HB 396](#) (passed), on its way to the Governor, prohibits a person from using an interactive computer service to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury under specified circumstances. The bill is named “Grace’s Law,” after a girl who committed suicide due to the effects of harassment online and in school. The identical Senate measure, [SB 1052](#), is scheduled for a House hearing late in the week.

Animal Cruelty – Passed

[SB 360/HB 542](#) (both passed) forbid a person to use a dog or allow a dog to be used for baiting, forbid a person to possess, own, sell, transport, or train a dog for the purpose of using the dog for baiting, or knowingly allow property the person owns or controls to be used for dog baiting. These companion measures have completed the legislative process and will move to the Governor’s desk.

Threat Against State or Local Official – Passed

As amended and given final passage by the General Assembly, [HB 489](#) (passed) prohibits a person from knowingly and willfully making a threat to take the life of, kidnap, or cause physical injury to a deputy State’s Attorney, an assistant State’s Attorney, or an assistant Public Defender. Maryland law already prohibits threats and acts of violence against public officials, but the current definition of public officials does not include the assistants and deputies. The penalty for a violation related to the added officials is the same as for the officials named in the current law. Violation is a misdemeanor and subject to maximum penalties of a fine of \$2,500 and/or imprisonment for three years. The companion bill, [SB 504](#), had a hearing in the House.

Counselors and Therapists – Lynette’s Law

Now under consideration by the Senate, [HB 60](#) prohibits a “professional counselor or therapist” from engaging in a sexual act, sexual contact, or vaginal intercourse with a person who was receiving therapy or counseling from the professional counselor or therapist at the time of or within the six months preceding the act. Physicians, psychologists, and social workers are also included

within the definition of a “professional counselor or therapist.” The occupations covered under the bill currently have professional regulations regarding inappropriate relationships with patients or clients, but the legislation adds that prohibition to Maryland law.

Violation constitutes a fourth degree sexual offense, punishable by one year in prison and/or a \$1,000 fine for a first offense, and three years in prison and/or a \$1,000 fine for specified repeat offenses. The statute of limitations is three years.

Contraband – Telecommunication Devices – Failed

[SB 478/HB 651](#) (both failed) would have prohibited a person from delivering or attempting to deliver a telecommunication device (typically a cell phone or other mobile device) to a person who is incarcerated if there are signs posted stating that delivering such a device is prohibited.

Sexual Contact – Persons in Authority – Failed

[SB 657/HB 1075](#) (both failed) would have altered prohibitions on sexual contact between a person in a position of authority and a minor. [SB 377/HB 31](#) (both failed) would have expanded the definition of a “person in a position of authority” to include part-time employees, coaches, and contractors as individuals who would be barred from sexual contact with students.

ECONOMIC AND BUSINESS ISSUES

Pipe Tobacco/Premium Cigars – Sale and Shipment

[SB 823/HB 1365](#) did not advance this session. The bills would have established a direct tobacco shipper’s permit and a common carrier permit. A direct tobacco shipper’s permit would have allowed the holder to sell and ship pipe tobacco or premium cigars, which could be purchased via the Internet or through other means. Pipe tobacco and premium cigars would have been delivered through a holder of a common carrier permit, which would have allowed delivery from within or outside the State to consumers for their personal use.

Alcoholic Beverages – Failed

Bills increasing the annual production limit for Class 7 micro-breweries from 22,500 barrels of malt beverages to 60,000 barrels failed ([SB 755/HB 704](#)). The bills would have affected license holders in 20 jurisdictions in the State.

Gas Pipelines – Failed

Several measures were considered this legislative session related to gas pipeline construction and safety. Among them were bills implementing changes to safety

guidelines and emergency response planning (SB 603/HB 1028, SB 605/HB 1224, SB 606/HB 1027, SB 863/HB 1124, SB 864/HB 1118, SB 907/HB 953, all failed). Other failed measures addressed civil actions (SB 985, SB 986, SB 604/HB 984, all failed), while others concerned easements for the construction, operation, or maintenance of gas pipelines (SB 862/HB 979, both failed).

EDUCATION

Net Taxable Income – Passed

HB 229 (passed) requires State education aid formulas that include a local wealth component to be calculated twice, once using a net taxable income (NTI) amount for each county based on tax returns filed by September 1 and once using a NTI amount based on tax returns filed by November 1 to account for late filers. Each local school system then receives the higher amount of State aid based on the two calculations. Currently, a county's property base is determined as of July 1 of the previous fiscal year, and NTI is computed from September 1 of the second preceding calendar year. The bill phases in the increased State aid over a five-year period, beginning in fiscal 2014.

Prince George's County – School System

HB 1107, amended by the House to create a Task Force to Evaluate Best Practices for School Board Operation in Prince George's County, has also been significantly amended by a Senate committee. As reworked and passed by the Senate, the bill includes as amendments several provisions of another bill, SB 1071, that was introduced late in the session to reorganize Prince George's County school management. Amended bill HB 1107 revises the composition of the Prince George's County Board of Education to add appointed members and charges it to raise the level of academic achievement of the students and to raise the level of engagement of the parents, students, and community as a whole, in the county.

The amended bill requires the Prince George's County Executive to appoint the Chair and Vice Chair of the board; requires the County Executive to appoint the county superintendent from a list of three individuals forwarded to the County Executive from a search committee composed of State and local representatives; requires the CEO to be responsible for the day-to-day operation of the school system, including the budget as submitted by the board and approved by the County Council, the hiring and setting of salaries of the staff in the office of the CEO, and the execution of a memorandum of understanding with institutions of

higher education in the county for the provision of policy analysis and advice; specifies that the county board may not contradict an action of the CEO unless two-thirds of the members vote to countermand a decision other than a personnel decision; authorizes the CEO to consolidate schools in the county if considered practicable; and contains reporting requirements, which include the submission of a final report in 2017 as to whether the provisions of the Act should continue.

Collective Bargaining – Representation Fees

The Senate passed an amended version of HB 667, which now goes back to the House for further consideration. The bill makes it a statewide requirement that local boards of education and the employee organizations representing either certificated or noncertificated public school employees in the State negotiate a reasonable service or representation fee to be charged to nonmembers of the employee organization. Amendments provide for the ratification of an agreement that contains a service fee by all employees in the bargaining unit, and specify that current employees who are exempt may not be subject to any negotiations regarding their exempt status. The similarly amended companion bill, SB 422, passed in the Senate as well.

Higher Education – Fair Share Act – Passed

SB 841/HB 863 (both passed) were successful this week. The bills authorize negotiations between employee organizations and institutions of the University System of Maryland, Morgan State University, St. Mary's College, and Baltimore City Community College regarding the right of an employee organization to collect service fees from nonmembers.

Higher Education – Credit for the Military – Passed

SB 153 (passed) requires the Maryland Higher Education Commission, in consultation with the public institutions of higher education, to develop and adopt guidelines on awarding academic credit for a student's military training, course work, and education.

Failed Bills

A number of education bills considered this session received unfavorable reports by the committees that considered them. Among these bills are measures on school safety, as well as proposals on virtual learning:

- SB 807/HB 165 (both failed) would have required each superintendent of a local school system to enter into an agreement with an appropriate law enforcement agency to provide a full-time school resource officer to each public elementary and secondary school;

- [HB 394](#) (failed) would have authorized a principal of a primary or secondary school to designate trained safety officers to use electronic control devices (ECDs) if necessary. An “ECD” is a portable device, such as a stun gun, that immobilizes a person by discharging an electrical current;
- [SB 537](#) (failed) would have required a student to complete an online course to graduate from high school beginning with students entering grade nine in the 2015-2016 school year; and
- [HB 532](#) (failed) would have required the Maryland Advisory Council for Virtual Learning to study issues regarding virtual learning in the State, including the resources needed to support a requirement that a student complete a virtual course or a blended virtual course to graduate from high school.

College Sports Fans/Athletes Bill of Rights – Failed

[HB 1272](#) (failed) would have established that the decision regarding a public four-year institution’s membership or association with the National Collegiate Athletic Association or in an athletic conference rests solely with its respective governing board. The bill also proposed the *Student Athlete Bill of Rights*, which would have specified rights for certain student athletes at institutions of higher education in the State and responsibilities for those institutions.

ENVIRONMENT, NATURAL RESOURCES, AND AGRICULTURE

Air Quality – Passed

[SB 61](#) (passed) allows the Maryland Department of the Environment (MDE), beginning on October 1, 2014, to satisfy the public hearing notice requirement associated with the adoption of new regulations under the Ambient Air Quality Control Title of the Environment Article by publishing the notice on the MDE website. It also requires an annual notice in a newspaper of general circulation that informs the public about the MDE website and instructs a person on how to receive future notices by first-class mail or electronic mail.

Water Pollution – Passed

[SB 302](#) (passed) is moving to the Governor’s desk. The bill requires MDE to annually publish on its website the total amount of sewage overflow, in gallons, from sewerage systems into the Chesapeake Bay and its tributaries during the previous year, as well as the fines collected as a result of the sewage overflows.

Water Pollution – Failed

[HB 44](#) (failed) would have required MDE to use any civil or administrative penalty or fine paid into the Maryland Clean Water Fund to restore the area associated with the penalty or fine or an area that is similar in biological function and in close proximity, and restricted the amount of any penalty or fine that can be used by MDE for administrative purposes to no more than 1% of the amount paid into the fund.

[HB 799](#) (failed) would have increased from \$5,000 to \$10,000 the maximum administrative penalty for a violation of the Water Pollution Control subtitle of the Environment Article. The companion bill, [SB 289](#), was recommitted to a Senate committee.

[HB 1243](#) (failed) would have increased the maximum civil and administrative penalties applicable to a violation of the Water Pollution Control subtitle of the Environment Article and modified the distribution of penalty revenue to include the Fisheries Research and Development Fund to be used for oyster restoration.

Spay/Neuter Fund – Passed

[SB 820](#) (passed) establishes a fee on dog and cat commercial feed registered in the State and creates a Spay/Neuter Fund in the Maryland Department of Agriculture to reduce animal shelter overpopulation and cat and dog euthanasia rates by financing grants for programs that facilitate and promote spay and neuter services. The bill also contains reporting requirements and terminates September 30, 2022. [HB 767](#), the House companion, is moving in the Senate towards passage.

Shark Fins

[HB 1148](#), on the Senate floor, prohibits a person from possessing, selling, offering for sale, trading, or distributing a shark fin unless the person holds the appropriate State or federal license or permit authorizing the taking or landing of a shark for recreational or commercial purposes, and the shark fin is taken from a shark that the person has taken or landed in a manner consistent with the person’s license. A museum, college, or university may possess a shark fin if the shark fin is used solely for display or research purposes. A “shark” does not include smooth-hounds, spiny dogfish, or species in the superorder Batoidea (generally, skates, sawfishes, and specified rays). [SB 592](#), the companion bill, has moved to a House committee.

Hydraulic Fracturing – Failed

[HB 341](#) (failed) would have prohibited a person from storing, treating, discharging, or disposing of, in the State, wastewater resulting from hydraulic fracturing. [SB 513](#) (failed), the original companion bill, was withdrawn.

FINANCIAL INSTITUTIONS AND COMMERCIAL LAW

Consumer Protection

Several consumer protection measures have been considered during the legislative session and are at various stages in the legislative process.

[HB 1215](#), concerning home appliances and warranty enforcement, was amended and passed by the Senate. The Senate amendments strike the majority of the initial proposal and create a study of the issue, to be completed by the Consumer Protection Division of the Office of the Maryland Attorney General. The study is to:

- analyze complaints received by the Consumer Protection Division relating to home appliances;
- evaluate whether existing requirements and remedies under State and federal law provide adequate protection to purchasers of home appliances who seek enforcement of manufacturers' express warranties on home appliances; and
- determine what, if any, changes to State law are needed to protect consumers who purchase home appliances that do not conform to the manufacturers' express warranties.

On or before December 31, 2013, the Consumer Protection Division is to report its findings and recommendations, including draft legislation, if any, to certain committees in the General Assembly.

In the original legislation adopted by the House, the bill established the Home Appliance Warranty Enforcement Act. Under the bill, a home appliance manufacturer or its agent must repair or correct a nonconformity in a home appliance at no cost to the consumer if it does not conform to the manufacturer's express warranties. As the House and Senate versions of the adopted legislation differ, the House can either concur in the Senate's amendments or a conference committee may be convened to resolve the differences.

[SB 852/HB 497](#) (both failed), which would have required a merchant to provide a consumer with a written receipt for the sale of consumer goods and services, both failed in committee.

Public Banking Institutions – Failed

[HB 1306](#) (failed), which would have authorized a political subdivision to establish a public banking institution within its jurisdiction, received an unfavorable committee vote. The bill would also have established the Maryland State Banking Task Force.

Self-Storage Facilities – Passed

[HB 1127](#) (passed), relating to self-storage facilities, is going to the Governor. As amended, the bill authorizes, if an occupant is in default for more than 60 days, an operator of a self-service storage facility to tow or remove the occupant's motor vehicle or watercraft in lieu of a sale to enforce a lien. The bill requires an operator to include a statement, in bold type, of this authorization in the rental agreement for the leased space. The operator is immune from civil liability for any damage to a motor vehicle or watercraft that occurs after the person that undertakes the towing or removal takes possession of the personal property. The bill authorizes the operator to charge a reasonable late fee for each month the occupant does not pay rent when due.

The bill also specifies notice, disclosure, and recordkeeping requirements. Amendments strike provisions in the bills that altered the requirement to advertise a lien sale in a newspaper and require a storage facility to send by mail a second notice of default if the first notice of default was sent via e-mail and the storage facility did not receive a response. [SB 634](#), the companion bill, is near passage in the House.

FISCAL MATTERS

State Operating Budget

The General Assembly passed the \$36.9 billion Budget Bill, [HB 100](#). As enacted, the bill increases State spending by 2.3%, excluding federal funds and appropriations to the Rainy Day Fund, leaving an estimated fiscal 2014 general fund balance of \$291.1 million, while reducing the structural deficit by \$209 million. The Budget Bill becomes effective upon passage by the General Assembly and does not require the Governor's signature. As well, the Governor may not veto the Budget Bill.

As passed, the General Assembly reduces the Governor's appropriation by \$561.8 million, including the following:

- the Medicaid deficiency appropriation for fiscal 2013 is reduced by \$61.4 million, reducing the appropriation for fiscal 2013 by \$155.3 million;
- the Medicaid fiscal 2014 provider reimbursements are reduced by \$34.2 million, leaving \$6.9 billion;
- the public education appropriation is \$6.8 billion, with the Digital Learning Innovation Fund appropriation reduced by \$1.5 million, leaving an appropriation of \$13.5 million, and with the student

transportation appropriation reduced by \$2.3 million, leaving an appropriation of \$254.5 million;

- the Rainy Day Fund appropriation is reduced by \$316 million;
- the Program Open Space program, Rural Legacy and Agricultural Land Preservation is reduced by \$89.2 million, with funding to be replaced by general obligation bonds; and
- the Local Income Tax Reserve Account repayment of \$50 million is deleted.

The pension reinvestment appropriation amendment that reduced that appropriation by \$100 million was rejected. A conference committee amendment restricts \$87 million in general fund pension system appropriations as a reserve to provide funds to support critical programs impacted by federal sequestration. If the Governor decides that any of these restricted funds are not necessary to support critical programs, then the Governor is required to reinvest the funds in the pension plan on January 1, 2014.

Under the Maryland Constitution, the Governor may submit one or more supplemental budgets to the Budget Bill. Using this authority this session, the Governor submitted a net \$222.5 million supplemental budget, which provides an additional \$25.8 million for administration and grants for non-state agencies from the Public Utility Customer Investment Fund; \$2.5 million towards offshore wind development; \$5 million in additional funds for community mental health services; \$17.4 million in additional funds for fiscal 2013 for community services for individuals with developmental disabilities; and an additional \$83.6 million for fiscal 2013 and an additional \$1.5 million for fiscal 2014 for Medicaid. The supplemental budget also includes \$840,000 in additional funds for youth summer jobs programs, \$300,000 for Towson University to continue baseball, and \$4.6 million to the Maryland State Police to implement the Firearms Safety Act of 2013.

Capital Budget

The Senate passed [HB 101](#), the \$1.1 billion Maryland Consolidated Capital Bond Loan of 2013, with amendments. The bill is now in a conference committee. The Senate amendments include the following changes related to the:

- Aging Schools Program, authorizing \$8.1 million, an increase of \$2 million, and providing for the distribution to the local school boards;
- Program Open Space, reducing the fiscal 2013 replacement funding by \$4.9 million;

- Rural Legacy Program, reducing the authorization by \$9.3 million;
- Agricultural Land Preservation Program, reducing the authorization by \$5.4 million;
- University of Maryland, College Park, adding \$5 million for the design of a new Bioengineering Building; and
- University of Maryland Medical System, restoring the authorization for the new Ambulatory Care Unit and NICU and Labor and Delivery Units to \$10 million from \$8.2 million.

Prior Bond Bill Authorizations

Now in a conference committee, [HB 1372](#) amends prior authorization bond bills and capital projects by extending matching fund deadlines, removing or lowering matching fund requirements, extending deadlines for expending or encumbering funds, modifying or removing certification requirements, renaming grant recipients, altering project locations, or altering the purposes for which funds may be used.

In some cases, altering the purpose of grant funds merely adds greater specification for how the funds may be used. In other cases, grant funds may be reassigned to an entirely different project. The bill, effective June 1, 2013, also makes technical changes to several items included in the 2012 capital budget.

Budget Reconciliation and Financing Act (BRFA)

The General Assembly passed [HB 102](#), which, as amended, now provides the following:

- the \$7.50 surcharge for moving violations is a mandatory fine surcharge and not a court cost which may be waived;
- clarifies that the authority of the State Lottery and Gaming Control Commission is to license and regulate locally authorized electronic gaming;
- authorizes a grant to a county board of education during fiscal 2014 equal to 25% of a decrease in direct State aid if the decrease from fiscal 2013 to fiscal 2014 is more than 1%;
- the fee the Secretary of State may charge to issue a notary public commission increases from \$10 to \$11;
- establishes a \$400 income tax credit for the expense of registering certain tractor-trailers titled and registered in the State, contingent on the taking effect of toll increases;

- clarifies that the calculation of the Medicaid hospital assessment is to require assessments, remittances, or general fund savings up to \$389.8 million, effective in fiscal 2015 and each fiscal year thereafter;
- removes a provision that required the Maryland Transit Administration to adjust fares to the nearest ten cents triennially beginning in fiscal 2014 based on the increase in the Consumer Price Index during the preceding three calendar years; and
- reduces the required reinvestment of savings due to pension reform to \$200 million rather than \$300 million in fiscal 2014 and each subsequent year.

Film Production Tax Credit – Passed

SB 183 (passed), an emergency departmental bill with final passage, increases from \$7.5 million to \$25 million the total amount of tax credits the Department of Business and Economic Development may award in fiscal 2014 to qualified film production entities under the film production activity tax credit. The bill also extends the termination date of the credit by two years to July 1, 2016.

Public-Private Partnerships

HB 560 passed the Senate with amendments. The Senate amendments require all existing public-private partnerships and any public-private partnerships expected to be solicited to be listed as appropriate in the annual capital budget or the consolidated transportation program; prohibit the Board of Public Works from approving a public-private partnership that results in the State exceeding its debt affordability guidelines; permit the budget committees to request additional time to review the presolicitation report if the total value of the proposed public-private partnership exceeds \$500 million; and require certain information concerning the proposed partnership.

The bill is prospective, applying only to partnerships established on or after the effective date of the bill.

GAMING, RACING, AND SPORTS

Video Lottery Facilities – Employee Licenses – Passed

An individual must hold a valid license issued by the State Lottery and Gaming Control Commission in order to be employed as a video lottery employee. **SB 282/HB 1053** (both passed) limit the requirement for denying a video lottery employee license for an applicant who has a conviction or is on active parole or probation for any crime involving moral turpitude or gambling. Under the bill, an applicant must be disqualified for a license if the applicant has had such a conviction within the prior

seven years, as opposed to the lifetime ban required under current law.

Video Lottery Facilities – Table Game Proceeds – Passed

HB 1155 (passed), as approved by the General Assembly, alters the enactment date from October 2013 to June 2013. The bill allows money that is given away by a video lottery operation licensee as free promotional play and is used by players to bet at a table game to be excluded from the definition of proceeds. Promotional play is an award by a facility operator of noncashable credits on a video lottery terminal (VLT), directly or indirectly to a player and with or without regard to the identity of the player or the payer's level of gaming activity. Promotional play is used as a marketing tool to increase the number of patrons who play. Maryland VLT facilities gave out \$26.7 million in promotional free play in 2012.

HEALTH CARE AND HEALTH INSURANCE

Federal Patient Protection and Affordable Care Act

HB 361 passed the Senate with amendments. The bill alters State insurance law to implement and conform to the federal Patient Protection and Affordable Care Act (ACA) and corresponding regulations adopted by the federal Centers for Medicare and Medicaid Services. Among the changes to State insurance law are the expansion of the Insurance Commissioner's authority to enforce specific requirements of ACA and the addition of new open and special enrollment periods for the individual and small employer markets.

Senate amendments repeal requirements on carriers that offer coverage under an out-of-state association contract that will be obsolete beginning in January 2014; alter the open-enrollment period for the small group market from 60 days to 30 days in accordance with the new federal regulations; and repeal provisions of law that authorize carriers to terminate coverage in an association plan if membership in the association ends.

As the approved versions of the legislation in each chamber are not identical, the House will either concur with the Senate amendments or the differences may be resolved by a conference committee.

Cancer Clusters and Environmental Causes – Passed

SB 380 (passed), which requires the Department of Health and Mental Hygiene (DHMH), in consultation with the Maryland Department of the Environment, to convene a workgroup to examine issues relating to the investigation of potential cancer clusters in the State and

potential environmental causes of cancer. A House amendment adds at least one representative of a manufacturing business in the State to the workgroup. The crossfiled House measure, [HB 1343](#), passed the House this week, amended to match the Senate legislation and is assigned to a Senate committee.

Connor's Law – Passed

The legislature approved [HB 364](#) (passed), known as “Connor’s Law,” which requires counties and municipalities that own or operate swimming pools to develop and implement an automated external defibrillator (AED) program.

Under the bill, DHMH and the Maryland Institute for Emergency Medical Services Systems must jointly adopt regulations that establish guidelines for periodic inspections and annual maintenance of AEDs and assist counties and municipalities in carrying out the bill’s provisions. The AED program required under the bill must include provisions ensuring that an AED is provided on-site and an individual trained in the operation and use of an AED is present at each swimming pool. Similar measures were previously considered in the 2008 and 2011 sessions.

Cosmetic Surgical Facilities

During the week of September 17, 2012, DHMH began investigating a cluster of three severe invasive Group A Streptococcus infections in individuals who recently had liposuction at a cosmetic surgery center. All three patients were hospitalized; one subsequently died. An investigation revealed that the facility lacked effective infection control procedures and, as a result, DHMH and Baltimore County ordered the facility closed on September 18, 2012. The outbreak raised questions about the adequacy of oversight of cosmetic surgery procedures.

The House recently passed [HB 1009](#), which authorizes the Secretary of DHMH to adopt regulations for cosmetic surgical facilities. The Secretary is authorized to investigate complaints concerning the conformance of cosmetic surgical facilities to the regulations. If the complaint concerns health care practitioner performance or standards of medical practice, the complaint must be referred to the appropriate health occupations board. The bill is now moving through the Senate.

Health Care Facilities Workplace Violence – Failed

[SB 804/HB 774](#) (both failed), measures that would have required a health care facility to establish a committee to implement a workplace violence prevention program that is appropriate for the size and complexity of the health care facility, have been withdrawn.

HUMAN RESOURCES

[SB 449](#) (failed), the Fairness for All Marylanders Act of 2013, would have expanded existing prohibitions on discrimination based on certain characteristics to include discrimination based on gender identity. The bill defines gender identity as a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth. The bill received an unfavorable committee vote.

REAL PROPERTY, ESTATES, AND TRUSTS

Estates and Trusts – Passed

On its way to the Governor, [HB 1211](#), also known as the Slayer’s Statute, and the Ann Sue Metz Law, disqualifies a person who feloniously and intentionally kills, conspires to kill, or procures the killing of a decedent from benefitting from the death of the decedent. The bill applies only prospectively, to the estate or property of a person who dies on or after the bill’s effective date of October 1, 2013. The companion bill, [SB 489](#), is progressing in the Senate.

Real Property – Failed

The following bills received unfavorable committee votes:

- [SB 78](#) (failed), a departmental bill, would have increased from \$5,000 to \$15,000 the maximum claim amount against the Home Improvement Guaranty Fund for which the Maryland Home Improvement Commission could have issued a proposed order without a hearing; and
- [HB 114](#) (failed) would have established the Task Force to Study Recovery Efforts Following Residential Fires. The bill required the Governor to appoint seven members to the task force, and the Maryland Insurance Administration would have provided staff support for the task force.

TRANSPORTATION

Driver’s License – Lawful Status Repeal – Passed

The House, after a lengthy discussion and with no amendments, approved [SB 715](#) (passed), the Maryland Highway Safety Act of 2013. If the Governor agrees, the Motor Vehicle Administration (MVA) is authorized to issue or renew a driver’s license, an identification card, or a moped operator’s permit to an individual who cannot show lawful status or a Social Security number by repealing a requirement that the individual must have

held one of those documents on April 18, 2009. The passed bill also repeals the July 1, 2015, termination date of MVA's authority to issue or renew one of these documents and the requirement that the documents must expire by July 1, 2015.

Under the bill, the MVA is authorized to issue a driver's license, an identification card, or a moped operator's permit to an applicant who cannot show lawful status and is not a current holder of one of these documents only if the applicant provides documentary evidence that the applicant, for each of the two preceding years, has filed a Maryland income tax return or resided in Maryland and been claimed as a dependent by an individual who has filed a Maryland income tax return. The effective date of the bill is January 1, 2014.

Vehicle Laws – Collection of Tolls – Passed

The Senate amended and approved [HB 420](#) (passed). Subsequently, the House concurred with the amendments and moved the bill to the Governor's desk. This departmental bill clarifies and alters procedures of the Maryland Transportation Authority (MDTA) concerning the collection of unpaid electronic tolls through the issuance of a notice and, subsequently, a citation for unpaid toll violations. As passed, the provision was removed that would have authorized MDTA to publish a list of persons who have unpaid toll violations and civil penalties that remain due to the authority.

Speed Cameras

The House passed [SB 207](#) with amendments that changed the text to reflect [HB 929](#), also just amended and passed by the House. Both bills now address "Speed Monitoring Systems - Local Jurisdictions" and establish numerous requirements relating to the administration and operation of these systems by local jurisdictions.

Handheld Phone – Primary Offense/Child Passenger – Failed

[SB 193](#) (failed) received an unfavorable committee vote this past week. This bill would have allowed enforcement as a primary action for the use of a handheld telephone while operating a motor vehicle if a child under the age of eight years is a passenger.

Bill status is current as of 4:30 p.m. on April 5, 2013.